

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMAR M. COOK,
Plaintiff,

v.

DANIEL LEVITT, *et al.*,
Defendants.

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CIVIL ACTION NO. 2:24-cv-04176-JLS

ORDER

AND NOW, this 16th day of July, 2025, upon consideration of Defendants Joaquin Kent and the City of Philadelphia's Motion to Dismiss (ECF No. 22), Plaintiff Jamar M. Cook's Response thereto (ECF No. 25), and Plaintiff's Motion for Alternative Service (ECF No. 24), **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss is **GRANTED in part and DENIED in part** for the reasons stated in the Court's accompanying Memorandum, as follows:

- a. The Motion is **GRANTED** as to Cook's claims for false arrest and false imprisonment under Fourth Amendment, retaliation under the First Amendment, and all state law claims.
- b. The Motion is **DENIED** as to Cook's malicious prosecution and *Monell* claims.

2. Cook's Motion for Alternative Service is **DENIED**. To proceed with service on Daniel Levitt, Cook must complete a USM-285 Form for Levitt within twenty-one days of the date of this Order at an address where Levitt can be service. Cook should include as much identifying information as possible on the USM-285 Form to assist with effectuating service. Service cannot be made by the U.S. Marshal Service on Levitt until Cook completes and returns

this form. The Clerk of the Court is **DIRECTED** to send Cook a copy of a USM-285 Form for Defendant Daniel Levitt.

3. Defendants Joaquin Kent and the City of Philadelphia shall file a responsive pleading in accordance with Federal Rule of Civil Procedure 12(a)(4).

BY THE COURT:

/s/ Jeffrey L. Schmehl

JEFFREY L. SCHMEHL, J.